



United States Department of the Interior

FISH AND WILDLIFE SERVICE
AREA OFFICE COLORADO-UTAH
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138-1197

January 19, 1983

IN REPLY REFER TO:

Glenn Eurick
Getty Mining Company
P.O. Box 838
Tooele, Utah 84074-0838

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JIM
JAN 26 1983
DIVISION OF
OIL GAS & MINING

Dear Mr. Eurick:

This letter is written in response to your January 5, 1983 letter regarding Getty Mining Company's efforts to mitigate impacts to raptors from the mine operations at Mercur, Utah.

We concur with the raptor mitigation measures outlined in your letter. As you know, the red-tailed hawk and Cooper's hawk are protected by the Migratory Bird Treaty Act (MBTA). Therefore, the relocation of nests of these species is prohibited under the MBTA unless such action is allowed by a written permit. These permits are issued only on a case by case basis. Several factors must be considered prior to issuance of permits to relocate nests, i.e. status of species, type and timing of disturbance.

We have carefully reviewed the circumstances involved in your particular problem and have decided to obtain the necessary permits to relocate the nests. An application for permit has been submitted to our Regional Office in Denver, Colorado. We expect a permit authorizing the nest relocations to arrive within a week. Once we have the federal permits in hand we will obtain the necessary state permits from the Utah Division of Wildlife Resources. I suspect we will be able to begin the nest relocation project the first week of February.

We appreciate your interest in conserving Utah's raptor populations and look forward to working with you on this worthwhile project.

Sincerely yours,

Robert R. Johnson
Field Supervisor
Ecological Services

cc: ✓ Director, DOGM
DWR, Attn: Dennis Shirley